HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 4870 OF 2007

Between:

M. Manzoor Kaleem

… Petitioner

and

The Commissioner of Police,
Basheerbagh and another

… Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 4870 OF 2007

ORAL ORDER:

The petitioner questions the action of the 2nd respondent-SHO, P.S. Dabeerpura, Hyderabad, in filing a final report in Cr.No.10 of 2007 on the file of the VIII Additional Chief Metropolitan Magistrate, Hyderabad.

It is the case of the petitioner that since the said case lacks evidence, the same was closed and the he was informed to approach the concerned Magistrate if he opposed the said final report.

I am of the opinion that on the said report submitted by the 2nd respondent before the VIII Additional Chief Metropolitan Magistrate, Hyderabad, the case cannot be closed automatically under Section 159 of the Code of Criminal Procedure, 1973 (for short 'the Code'). Under Section 159 of the Code, the Magistrate after receiving the report, may direct an investigation or if he thinks fit he can proceed with the case or hold a preliminary inquiry into or otherwise dispose of the case in the manner provided under the relevant provisions of the Code.

Having regard to the facts of the case, the VIII Additional Chief Metropolitan Magistrate, Hyderabad, is directed to take appropriate action based on the FIR and the final report filed by the 2nd respondent in accordance with the provisions of Section 159 of the Code.

The writ petition is disposed of accordingly. No costs.

V. ESWARAIAH, J

DATE: 9.3.2007

CVM